

**REMARKS**

Applicant's claims 1-14 are currently pending in the above-identified patent application.

In the March 7, 2006 Office Action, Examiner rejected Claims 1-11 and 13-14 under 35 U.S.C. § 103(a) as unpatentable over US Published Application 2002/0061770 to Ozaki ("Ozaki") in view US Patent No. 6,094,565 Alberth et al. and further in view of US Patent No. 6,449,492 to Kenagy et al. ("Kenagy et al."). Claim 12 is rejected under 35 U.S.C. § 103(a) as unpatentable over Ozaki in view of Alberth et al. and further in view of Kenagy et al. as applied to claim 7 and further in view of U.S. Patent No. 5,493,690 to Shimazaki ("Shimazaki"). Applicant requests the Examiner reconsider these rejections in view of the amendments and the comments set forth below.

Independent claims 1 and 7, the only independent claims, have in common that part or all of the auxiliary operation section is inoperative in the opened state and operative in the closed state. Specifically, claim 1, as amended, recites "said auxiliary operation section is inoperative at least in the opened state ~~except~~ but operative in the closed state " and claim 7 recites "wherein said at least one key is inoperative at least in a opened state ~~except~~ but operative in a closed state . . . ." Neither Ozaki, Alberth et al. nor Kenagy et al. disclose this claimed feature, and this feature is not obvious from any of the cited references either individually or in combination.

The Examiner concedes that this claimed feature of claims 1 and 7, and all claims dependent thereon (claims 2-6 and 8-14) is absent in Ozaki and Alberth et al. To supplement or rather supply this missing teaching in Ozaki and Alberth et al., the Examiner relies on tangential

teachings in Kenagy et al. Particularly, the Examiner points to disclosure in Kenagy et al. of "a portable terminal that is configured to enable and disable keys base on predetermined parameters stored in the terminals memory." 3/7/06 Office Action at 3. However, upon a more rigorous examination of Kenagy et al. it is apparent that Kenagy et al is not concerned with, teach or suggest Applicant's claimed feature of a part or all of the auxiliary operation section being inoperative in the opened state and operative in the closed state. Failing to teach this claimed aspect, Kenagy et al. cannot fill in or supply the teachings missing in Ozaki and Alberth et al.

Kenagy et al. discloses a wireless communication device having a key lock function. The key lock function is disclosed as having the benefit of preventing inadvertent commands from a manual input device from initiating system operation when the wireless communication device is not in use, and keys are made inoperative by this key lock function. To that end, Kenagy et al. discloses a deactivating key lock function that requires to user to program events or parameters that trigger or activate the key lock function. These parameters are then stored in the key lock memory. See Kenagy et al. at Col. 4, lines 46-63. However, nowhere does Kenagy et al. teach, suggest or hint at Applicant's claimed feature of an auxiliary operation section that is rendered inoperative at least in the opened state. And as noted by the Examiner, this teaching is also absent in Ozaki and Alberth et al. Thus, even the combination of the cited references fail to disclose or suggest all the elements or features of claims 1-14.

In addition to failing to teach Applicant's claimed feature of an auxiliary operation section that is rendered inoperative at least in the opened state, Ozaki is different in other respects. In Ozaki, in the display portion housing 1 that is equipped with a liquid crystal display portion 3, the display portion housing 1, being different from an operating portion housing that is equipped with an operating portion 5, operating keys 8 are provided on the same side as the

display portion 3 (on a surface other than the surfaces, which are opposed to each other, of both housings in the closed state). As noted by the Examiner, the operating keys 8 are used not only in the closed state but also in the opened state (Col. 3, [0033] and [0036]). The operating keys 8, which are different from the operating portion 5, are provided to carry out simple operations such as seeing an electronic mail. For this reason, Ozaki is not concerned with the possibility of an inadvertently dialed call as noted in Kenagy et al. Thus, there is not motivation to utilize the teachings of Kenagy et al. in combination with Ozaki. Furthermore, Ozaki does not disclose nor teach that the operation keys 8 (the auxiliary operation section) are provided in a specific position and the auxiliary operation section is inoperative at least in the opened state except the closed state in which the auxiliary operation section is operative.

Similarly, Alberth et al. is different in other respects. In Alberth et al., two housing portions 110 and 112 are provided, the housing portion 112 being configured to be movable between an opened position and a closed position, and a display 134 and a plurality of keys 137 are both provided in one housing 110. Since in the present invention, a first housing has at least an operation section and a second housing has at least a display section, Alberth et al. differs from the claimed invention for this additional reason. Furthermore, although Alberth et al. discloses that side buttons 208 are provided on other surface than surfaces which are opposed to each other, of both housings in the closed state, Alberth does not disclose nor teach that the side buttons 208 are inoperative at least in the opened state and operative in the closed state.

As for dependent claim 2 (as well as claims 3 and 4, which depend from claim 2) and dependent claim 8 (as well as claims 9 and 10, which depend from claim 8), Ozaki, Alberth et al. and Kenagy et al. respectively lack the lock control section of these claims. For example, claim 8 recites "a lock control section for rendering said at least one key operative or inoperative

based on a detection result from the state detecting section"). In the claimed invention, as distinguished from any of the references, and in particular Kenagy et al., the lock control section renders the auxiliary operation section operative or inoperative based on a detection result from the state detecting section that detects the opened/closed state of the two housings. In Kenagy et al., a key processor 104 accesses the parameters stored in a key lock memory 108 and analyzes them to establish the activation and deactivation conditions for the key lock function that were previously set by a user (Col. 4, lines 7-10). Thus, the key processor 104 in Kenagy does not establish the activation and deactivation conditions for the key lock function based on a detection result from the state detecting section as claimed. Therefore, claims 2-4 and 8-10 are not obvious over the cited reference on at least this additional, separate ground.

Accordingly, Applicant requests that the Examiner reconsider these rejections in view of the amendments and the comments as set forth above and allow pending claims 1-14.

### **CONCLUSION**

For at least the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0059.

Respectfully submitted,

Date: September 7, 2006



---

John C. Garces  
Reg. No. 40,616  
Schulte Roth & Zabel, LLP  
919 Third Avenue  
New York, NY 10022  
Tel.: (212) 756-2215